

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

UNITED STATES OF AMERICA,

-against-

05 CR 1039 (CM)

SAMUEL ISRAEL,

Defendant.

x

ORDER DIRECTING CLERK OF COURT TO CONVERT 28 U.S.C. § 2255 MOTION FILED
UNDER THE CRIMINAL DOCKET INTO A SEPARATE CIVIL ACTION

McMahon, J.:

Defendant Samuel Israel has filed a motion under the criminal docket (08 CR 523 (CM)) pursuant to 28 U.S.C. § 2255, asking the Court to reduce his sentence because he believes the Bureau of Prisons is no longer capable of caring for his various medical conditions.

Since motions to vacate or set aside a conviction pursuant to 28 U.S.C. § 2255 are civil in nature, such filings are to be filed as civil habeas petitions.

Accordingly, the Court directs the Clerk of the Court to correct the misfiling by converting the pending motion into a properly filed civil habeas petition with a civil docket number.¹

This constitutes the order of the Court.



U.S.D.J.

5/8/14

By ECF to: All Counsel

By Email to: Richard Wilson
Chief Deputy Clerk

¹ Mr. Israel must pay all required filing fees, unless he can show *via* affidavit that he is financially unable to do so.